

TABLE 1
MATRIX OF QWEST'S COMPLIANCE WITH SECTION 271 REQUIREMENTS
AND WUTC ORDERS

Comments of Washington Utilities and Transportation Commission
Qwest Section 271 Application for Washington State – WC Docket No. 02-189

Section 271 Requirement	WUTC Orders¹	Paragraph(s) in Orders
Track A	<i>20th Supp. Order (Tab. 7)</i>	Paras. 477-91
	<i>28th Supp. Order (Tab 12)</i>	Para. 16
	<i>39th Supp. Order (Tab 20)</i>	Paras. 258-59; Appendix A
Checklist Item No. 1 – Interconnection and Collocation	<i>February 23, 2001, Initial Order (Tab 2)</i>	Paras. 21-178
	<i>11th Supp. Order (Tab 3)</i>	Entire Order
	<i>15th Supp. Order (Tab 6)</i>	Paras. 10-80
	<i>26th Supp. Order (Tab 11)</i>	Paras. 6-16
	<i>34th Supp. Order (Tab 16)</i>	Paras. 12-27
	<i>37th Supp. Order (Tab 18)</i>	Paras. 72-78
	<i>39th Supp. Order (Tab 20)</i>	Para. 21
Checklist Item No. 2 – Unbundled Network Elements	<i>13th Supp. Order (Tab 5)</i>	Paras. 9-124
	<i>24th Supp. Order (Tab 9)</i>	Paras. 9-34
	<i>31st Supp. Order (Tab 14)</i>	Paras. 7-19
	<i>34th Supp. Order (Tab 16)</i>	Paras. 28-39
	<i>37th Supp. Order (Tab 18)</i>	Paras. 75-78
Access to Operational Support Systems (OSS)	<i>39th Supp. Order (Tab 20)</i>	Paras. 98-227
Change Management Process	<i>20th Supp. Order (Tab 7)</i>	Paras. 448-51
	<i>39th Supp. Order (Tab 20)</i>	Paras. 179-223
Pricing of Network Elements	<i>See App. C, Vol. 2 of Qwest's Application</i>	N/A
Checklist Item No. 3 –Poles, Ducts, Conduit, and Rights- of-Way	<i>Revised Initial Order (Tab 1)</i>	Paras. 16-61
	<i>Workshop One Order (Tab 4)</i>	Paras. 9-36
	<i>25th Supp. Order (Tab 10)</i>	Paras. 33-34
	<i>34th Supp. Order (Tab 16)</i>	Paras. 40-46
	<i>37th Supp. Order (Tab 18)</i>	Paras. 79-84
	<i>39th Supp. Order (Tab 20)</i>	Para. 21

¹ Each WUTC order is identified by reference to a specific Tab in Volume 1 of Appendix C of Qwest's Application, e.g., *30th Supplemental Order (Tab. 13)*.

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Section 211 Requirement	WUTC Orders	Paragraph(s) in Orders
Checklist Item No. 4 – Unbundled Local Loops	<i>20th Supp. Order</i> (Tab 7)	Paras. 12-297
	<i>22nd Supp. Order</i> (Tab 8)	Entire Order
	<i>28th Supp. Order</i> (Tab 12)	Paras. 17-103
	<i>31st Supp. Order</i> (Tab 14)	Paras. 20-42
	<i>34th Supp. Order</i> (Tab 16)	Paras. 47-93
	<i>37th Supp. Order</i> (Tab 18)	Paras. 85-92
	<i>39th Supp. Order</i> (Tab 20)	Para. 21
Checklist Item No. 5 – Unbundled Local Transport	<i>13th Supp. Order</i> (Tab 5)	Paras. 125-57
	<i>24th Supp. Order</i> (Tab 9)	Paras. 9, 38-40
	<i>34th Supp. Order</i> (Tab 16)	Para. 94
Checklist Item No. 6 – Unbundled Switching	<i>13th Supp. Order</i> (Tab 5)	Paras. 158-200
	<i>24th Supp. Order</i> (Tab 9)	Para. 9
	<i>34th Supp. Order</i> (Tab 16)	Para. 95
Checklist Item No. 7 – 911 Services, Directory Assis- tance, and Operator Services	<i>Revised Initial Order</i> (Tab 1)	Paras. 62-98
	<i>Workshop One Order</i> (Tab 4)	Para. 8
	<i>34th Supp. Order</i> (Tab 16)	Para. 96
Checklist Item No. 8 – White Pages Directory Listings	<i>Revised Initial Order</i> (Tab 1)	Paras. 99-124
	<i>Workshop One Order</i> (Tab 4)	Para. 8
	<i>34th Supp. Order</i> (Tab 16)	Para. 97
Checklist Item No. 9 – Numbering Administration	<i>Revised Initial Order</i> (Tab 1)	Paras. 125-40
	<i>Workshop One Order</i> (Tab 4)	Para. 8
	<i>34th Supp. Order</i> (Tab 16)	Para. 98
Checklist Item No. 10 – Databases and Associated Signaling	<i>Revised Initial Order</i> (Tab 1)	Paras. 141-64
	<i>Workshop One Order</i> (Tab 4)	Para. 8
	<i>25th Supp. Order</i> (Tab 10)	Paras. 27-32
	<i>34th Supp. Order</i> (Tab 16)	Para. 99
Checklist Item No. 11 – Number Portability	<i>February 23, 2001, Initial Order</i> (Tab 2)	Paras. 179-230
	<i>15th Supp. Order</i> (Tab 6)	Paras. 81-87
	<i>34th Supp. Order</i> (Tab 16)	Paras. 100-107
Checklist Item No. 12 – Dialing Parity	<i>Revised Initial Order</i> (Tab 1)	Paras. 165-76
	<i>Workshop One Order</i> (Tab 4)	Para. 8
	<i>25th Supp. Order</i> (Tab 10)	Paras. 33-34
	<i>34th Supp. Order</i> (Tab 16)	Para 108

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Section 271 Requirement	WUTC Orders	Paragraph(s) in Orders
Checklist Item No. 13 – Reciprocal Compensation	<i>Revised Initial Order</i> (Tab 1)	Paras. 177-270
	<i>Workshop One Order</i> (Tab 4)	Para. 37
	<i>25th Supp. Order</i> (Tab 10)	Paras. 6-26
	<i>34th Supp. Order</i> (Tab 16)	Para. 109
Checklist Item No. 14 – Resale	<i>February 23, 2001, Initial Order</i> (Tab 2)	Paras. 231-87
	<i>15th Supp. Order</i> (Tab 6)	Paras 88-104
	<i>26th Supp. Order</i> (Tab 11)	Paras. 17-22
	<i>34th Supp. Order</i> (Tab 16)	Para. 110
Performance Data/ Data Verification	<i>39th Supp. Order</i> (Tab 20)	Paras. 23-97
Section 272	<i>20th Supp. Order</i> (Tab 7)	Paras. 492-511
	<i>28th Supp. Order</i> (Tab 12)	Paras. 134-58
	<i>31st Supp. Order</i> (Tab 14)	Paras. 47-52
	<i>34th Supp. Order</i> (Tab 16)	Paras. 112-28
	<i>37th Supp. Order</i> (Tab 18)	Paras. 93-95
The Public Interest	<i>20th Supp. Order</i> (Tab 7)	Paras. 455-76
	<i>28th Supp. Order</i> (Tab 12)	Paras. 125-33
	<i>39th Supp. Order</i> (Tab 20)	Paras. 228-333
	<i>40th Supplemental Order</i> ²	Entire Order
Performance Assurance Plan (QPAP)	<i>30th Supp. Order</i> (Tab 13)	Entire Order
	<i>33rd Supp. Order</i> (Tab 15)	Entire Order
	<i>37th Supp. Order</i> (Tab 18)	Paras. 9-69
	<i>38th Supp. Order</i> (Tab 19)	Entire Order
	<i>39th Supp. Order</i> (Tab 20)	Paras. 14-20

² The WUTC entered the *40th Supplemental Order, Denying Petition for Reconsideration* on July 15, 2002. A copy of the order is attached to the WUTC Comments as Appendix 4.

APPENDIX 1

List of Participants in Section 271/SGAT Proceedings in Washington State

1. Advanced Telecom Group, Inc.
2. Allegiance Telecom of Washington, Inc.
3. The Association of Local Telecommunications Services
4. AT&T Communications of the Pacific Northwest, Inc. and TCG Seattle (collectively AT&T)
5. Broadband Office Communications, Inc.
6. Covad Communications Company (Covad)
7. Electric Lightwave Inc. (ELI)
8. Eschelon Telecom of Washington
9. Focal Communications Corporation
10. Global Crossing Telemanagement
11. Global Crossing Local Services
12. ICG Communications, Inc.
13. MetroNet Services Corporation (MetroNet)
14. McLeod USA Telecommunications Services, Inc.
15. MCG Communications Inc., d/b/a Mpower Communications Corporation
16. New Edge Networks, Inc.
17. North Port Communications, Inc.
18. Office of Public Counsel of the Washington state Attorney General's Office (Public Counsel)
19. Qwest Corporation
20. Rhythms Links, Inc.
21. Sprint Corporation,
22. Teligent Services, Inc.
23. Time-Warner Telecom of Washington
24. Telecommunications Ratepayers Association for Cost-based and Equitable Rates (TRACER)
25. Washington Association of Internet Service Providers
26. WorldCom, Inc. (WorldCom)
27. XO Washington, Inc. (XO), formerly known as NEXTLINK Washington (NEXTLINK)
28. Yipes Transmission, Inc.

APPENDIX 2
WAC 480-120-560: Washington Collocation Rules

WAC 480-120-560 Collocation. (1) Definitions.

"CLEC" means a competing local exchange carrier that orders collocation from an ILEC.

"Collocation" means the ability of a CLEC to place equipment, including microwave equipment, within or upon an ILEC's premises.

"Deliver" or "delivery date" means the point when the ILEC turns the collocation space and related facilities over to the CLEC and the space and facilities are ready for service. Deliver or delivery includes, but is not necessarily limited to, providing the CLEC with access to the collocation space for collocation other than virtual collocation, as well as providing power, telephone service, and other services and facilities ordered by the CLEC for provisioning by the delivery date.

"ILEC" means an incumbent local exchange carrier that is required to provide collocation.

"ILEC premises" means an ILEC wire center, central office, or any other location owned and/or controlled by the ILEC at which interconnection with the ILEC's network or access to ILEC unbundled network elements is technically feasible.

"Points of interface (POI)" means the demarcation between the networks of an ILEC and a CLEC. The POI is the point where the exchange of traffic takes place.

(2) ILEC response to CLEC order for collocation. Within ten calendar days of receipt of an order for collocation, an ILEC must notify the CLEC whether sufficient space exists in the ILEC premises to accommodate the CLEC's collocation requirements. As part of that notification, the ILEC must also notify the CLEC of any circumstance that may delay delivery of the ordered collocation space and related facilities.

(3) Provisioning collocation. If the ILEC notifies a CLEC that sufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) Within twenty-five calendar days of receipt of the order, the ILEC must provide the CLEC with a written quote detailing the nonrecurring and recurring charges applicable to provisioning the ordered collocation. After providing the written quote and upon reasonable notice of a request by the CLEC, the ILEC must permit the CLEC at least one accompanied site visit to the designated collocation space without charge to the CLEC, to enable the CLEC to verify and inspect the space the ILEC offers for collocation. The CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote must be within seven calendar days and does not preclude the CLEC from later disputing the accuracy or reasonableness of those charges.

(b) If the ordered collocation space was included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the ILEC must complete construction of, and deliver, the ordered collocation space and related facilities within forty-five calendar days after the CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote.

(c) If the ordered collocation space was not included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the Commission declines to apply the forty-five calendar day interval in (3)(b) and the national standards adopted by the FCC shall apply.

(d) Following any initial notification as required in section (2) above, the ILEC must notify the CLEC of any change in circumstances as soon as the ILEC is aware of those circumstances and must take all reasonable steps to avoid or minimize any delays caused by those circumstances, including but not limited to joint provisioning of collocation elements by the ILEC and CLEC, or sole construction by the CLEC, through a mutually acceptable third party contractor.

(e) If the ILEC fails to deliver the collocation space by the required delivery date, the ILEC must credit the CLEC in an amount equal to one-tenth of the total nonrecurring charge for the ordered collocation for each week beyond the required delivery date. Recurring charges will not begin to accrue for any element until the ILEC delivers that element to the CLEC. To the extent that a CLEC self-provisions any collocation element, the ILEC may not impose any charges for provisioning that element.

(f) The ILEC must provide periodic notices to the CLEC during construction of the CLEC's collocation space, including scheduled completion and delivery dates. At least thirty calendar days prior to the scheduled delivery date, the ILEC must provide the CLEC with sufficient information to enable the ILEC and the CLEC to establish firm Common Language Location Identifier (CLLI) codes and any other codes necessary to order interconnection and cross-connection circuits for the equipment the CLEC intends to collocate, and the ILEC must accept and process CLEC orders for such circuits. The ILEC must provision points of interface (POIs) and other circuits concurrent with delivery of the collocation space and related facilities, unless the CLEC agrees to a later date.

(g) The ILEC must conduct an inspection with the CLEC of the collocation space at least five business days prior to completion of construction of the collocation space. The ILEC must correct any deviations to the CLEC's original or jointly amended requirements after the inspection, at the ILEC's sole expense.

(h) Upon order of the CLEC and concurrent with delivery of the collocation space and related facilities, the ILEC must provide basic telephone service to the collocation space under the rates, terms, and conditions of the ILEC's current tariff or price list offering for the service ordered. The ILEC must also provide CLEC employees, contractors, and representatives with reasonable access to basic facilities, such as restroom facilities and parking, while at the ILEC premises.

(4) Denial of order for collocation. If the ILEC notifies a CLEC that insufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) As part of its notification of lack of space, the ILEC must notify the CLEC if any space is available for collocation and, if so, how much space is available. The ILEC must also verify that the ILEC cannot reclaim space for collocation by consolidating or removing inactive or underutilized equipment.

(b) The ILEC must permit the CLEC to tour the ILEC premises within fourteen calendar days of the CLEC's written request.

(c) If the CLEC notifies the ILEC that it contests the denial of an order for collocation, the ILEC must, within twenty-five calendar days of the notification, file a petition asking the Commission to determine that the space requested by the CLEC is not available. Upon request and execution of an appropriate confidentiality agreement, the ILEC must also provide a copy of the petition to the CLEC. The ILEC must prepare the petition at its sole expense, and the petition must include the following information:

(i) Central Office CLLI, where applicable;

(ii) Ordering CLEC, including the amount of space sought by the CLEC;

(iii) Written inventory of active, inactive, and underutilized equipment, including the signatures of ILEC personnel certifying the accuracy of the information provided;

(iv) Color-coded floor plans that identify office space work areas, provide spatial dimensions to calculate the square footage for each area, and locate inactive and underutilized equipment;

(v) Narrative of the central office floor space use;

(vi) Total amount of space occupied by interconnecting collocators for the sole purpose of interconnection;

(vii) Total amount of space occupied by third parties for purposes other than interconnection, and a narrative of the space use;

(viii) The number of central office employees employed and job titles;

(ix) Description of central office renovation/expansion plans and time frames for completion;

(x) Description of conversion of administrative, maintenance, equipment, and storage space plans and timeframes for completion; and

(xi) Description of any internal policies for conversion of administrative, maintenance, equipment, and storage space in central offices.

(d) The Commission will decide any petition filed under subsection (4)(c) through an expedited proceeding conducted in accordance with the relevant procedural requirements and time lines established in WAC 480-09-530. The ILEC bears the burden to prove to the Commission that the ordered collocation is not practical for technical reasons or because of space limitations. The ILEC may be relieved of its obligation to provide collocation at a particular ILEC premises only to the extent expressly provided by Commission order.

(e) Each ILEC must maintain a list of all of its central offices in Washington in which insufficient space exists to accommodate one or more types of collocation. The list must specify which types of collocation are unavailable in each office and whether the Commission has approved the ILEC's denial of collocation in that office. The ILEC must post this list on its publicly accessible web site and provide a copy of the list to any CLEC upon request. The ILEC must update this list within ten business days of (i) denying a CLEC's order for collocation; (ii) the service date of any order from the Commission approving or disapproving such a denial; (iii) providing notice to CLECs previously denied collocation that space has become available in a central office; or (iv) obtaining knowledge through any other means that space for one or more types of collocation is no longer available or has become available in a particular central office.

(f) Each ILEC must maintain for each central office a waiting list of all unfilled orders for collocation space and the date of each order. After an ILEC has announced that one or more types of collocation space are not available in an office, any CLEC may submit a letter of intent to order collocation space in lieu of a collocation order, and this letter of intent must be included on the waiting list. If space for collocation becomes available in any central office, the ILEC must inform all CLECs, that ordered collocation or submitted a letter of intent to order collocation, of the availability of that space and must provide each such CLEC with fifteen calendar days to renew its original collocation order. The ILEC must provision collocation to these CLECs on a first-come, first-served basis according to the dates on which each ordered collocation or submitted a letter of intent to collocate in that central office.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 00-24-047 (Order R-475, Docket No. UT-990582), § 480-120-560, filed 11/30/00, effective 12/31/00.]

APPENDIX 3

SERVICE DATE

FEB 12 2002

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Review of	)	DOCKET NO. UT-023003
Unbundled Loop and Switching Rates and)	
Review of the Deaveraged Zone Rate	)	NOTICE OF PREHEARING
Structure	)	CONFERENCE
.....	)	(March 7, 2002)

- 1 On November 21, 1996, the Commission initiated Docket Nos. UT-960369, UT-960370, and UT-960371 to establish rates for interconnection, unbundled network elements (UNEs), transport and termination, and resale. The eighth, seventeenth, and twenty-sixth supplemental orders (April 16, 1998, August 30, 1999, and September 1, 2000, respectively), established rates for unbundled loops and switching. In the Twenty-fourth and twenty-seventh Supplemental Orders in the proceeding (May 4, 2000 and September 1, 2000, respectively), the Commission established deaveraged loop rates based on the UNE-loop costs established in the earlier proceeding.
- 2 On February 17, 2000, the Commission initiated Docket No. UT-003013 to address issues arising out of the Federal Telecommunications Act of 1996 and Docket Nos. UT-960369, et al. Docket No. UT-003013 proceeded in several parts. At a September 24, 2001 prehearing conference, MCI WorldCom, Inc. proposed the Commission revisit the rates for loops and local switching that were established in Docket Nos. UT-960369 *et al.* arguing that Washington loop rates are based on outdated data and assumptions. In addition, Commission Staff proposed to file testimony regarding further loop deaveraging arguing that the current manner of deaveraging creates a barrier to economically viable residential and small business competition. In the Twenty-sixth Supplemental Order, issued on October 19, 2001, the Commission indicated that a new docket should be opened to revisit UNE loop and switching rates for Qwest Corporation and Verizon Northwest, Inc., in addition to reexamination of the current deaveraged zone rate structure.
- 3 This proceeding is a necessary and anticipated continuation of the Generic Costing and Pricing proceeding and is initiated to address issues arising out of that proceeding.
- 4 Hearing in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction over this matter under Title 80 RCW, having the legal authority to regulate the rates, services, and practices of telecommunications companies pursuant to chapter 80.36 RCW. Statutes involved, in addition to those previously cited, include those within chapter 80.04 RCW, chapter 80.20 RCW, and chapter 80.36 RCW, including but not limited to RCW 80.20.020, RCW 80.36.080, and RCW 80.36.140.

- 5 **NOTICE IS HEREBY GIVEN That a prehearing conference will be held at on March 7, 2002, at 1:30 p.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington**
- 6 The time and place for the evidentiary hearing will be set at the prehearing conference or by later written notice. The purpose of this prehearing conference is to consider formulating the issues in the proceeding and determine other matters to aid in its disposition, as specified in WAC 480-09-460. Petitions to intervene should be made in writing prior to the hearing date or made orally at the hearing. Appearances will be taken.
- 7 If a limited English-speaking or hearing-impaired party or witness needs an interpreter, please fill out and return the form attached to this notice.
- 8 **NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.**
- 9 The names and mailing addresses of all parties and their known representatives are as follows:

Respondent: AT&T Communications of the Pacific Northwest
1501 South Capitol Way, Suite 204
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Representative: Gregory J. Kopta
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Commission Staff: Washington Utilities and
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(206) 464-7744

- 10 Lawrence J. Berg has been designated as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Section, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.
- 11 The Commission will provide at its offices in Olympia, Washington, current records of the hearing for the use of those who may wish to review them. The Public Counsel section of the Office of the Attorney General has been designated by the Attorney General to represent the public. The address of the Commission, shown below, may be used for inquiries of Public Counsel, or Public Counsel may be contacted directly by writing or calling the address or telephone numbers listed below.

- 12 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of the proceeding.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



CAROLE J. WASHBURN
Executive Secretary

February 12, 2002

Inquiries may be addressed to:

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

-or-

Public Counsel Section
Office of Attorney General
900 Fourth Avenue, Suite 2000
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(206) 464-7744

JUL 15 2002

APPENDIX 4

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of the Investigation Into	)	DOCKET NO. UT-003022
)	
U S WEST COMMUNICATIONS, INC.'s)	
)	
Compliance With Section 271 of the)	
Telecommunications Act of 1996	)	DOCKET NO. UT-003040
.....)	
)	
In the Matter of)	
	)	40 th SUPPLEMENTAL ORDER
U S WEST COMMUNICATIONS, INC.'s	)	DENYING PETITION FOR
	)	RECONSIDERATION
Statement of Generally Available Terms)	
Pursuant to Section 252(f) of the)	
Telecommunications Act of 1996)	
)	
.....)	

I. SYNOPSIS

- 1 *The Commission denies AT&T's and Covad's petition for reconsideration of the Commission's 39th Supplemental Order. There is no merit in delaying the Commission's evaluation of Qwest's section 271 application to the FCC in order to conduct additional investigations or to await the outcome of federal or congressional investigations.*

II. BACKGROUND AND PROCEDURAL HISTORY

- 2 On July 1, 2002, the Commission entered its 39th Supplemental Order; *Commission Order Approving SGAT and QPAP, and Addressing Data Verification, Performance Data, OSS Testing, Change Management, and Public Interest (39th Supplemental Order)*. The 39th Supplemental Order was the Commission's final order in its review of the compliance of Qwest Corporation (Qwest), formerly known as U S WEST

Communications, Inc. (U S WEST),¹ with the requirements of section 271 of the Telecommunications Act of 1996 (the Act),² and of Qwest's Statement of Generally Available Terms (SGAT) under section 252(f)(2) of the Act. In the 39th *Supplemental Order*, the Commission found that Qwest has satisfied all of the requirements under section 271 of the Telecommunications Act, including the requirement in section 271(d)(3)(C) that an application pursuant to section 271 is "consistent with the public interest, convenience and necessity."

3 On July 12, 2002, AT&T Communications of the Pacific Northwest, Inc., AT&T Local Services on behalf of TCG Seattle and TCG Oregon (collectively AT&T), and Covad Communications Company (Covad) filed a petition for reconsideration of the 39th *Supplemental Order* pursuant to WAC 480-09-810. Specifically, AT&T and Covad assert that the Commission should withdraw its favorable recommendation of Qwest's application to the FCC in light of events occurring since the Commission entered the 39th *Supplemental Order*, i.e., a criminal investigation of Qwest by the United States Attorney's Office, an investigation by the House Energy and Commerce Committee concerning Qwest's accounting practices, and the Arizona Commission's suspension of its section 271 proceeding based on these events and the concern over agreements between Qwest and CLECs that were not filed with state commissions.

III. DISCUSSION

4 This Commission's consolidated proceeding to review Qwest's compliance with section 271 and review the provisions of Qwest's SGAT primarily addressed the question of whether Qwest has taken the necessary steps to open its local exchange market to competition. One of the issues the Commission considered in answering that question was whether an application by Qwest is in the public interest. As we stated in our analysis of the public interest issue, the FCC looks to whether the local market is open to competition, whether there is sufficient assurance that the local market will remain open to competition after a section 271 application is granted, and finally, whether any "other relevant factors exist that would frustrate the

¹ After this proceeding began, U S WEST merged and has become known as Qwest Corporation. For consistency and ease of reference we will use the new name Qwest in this Order.

² Pub. L. No. 104-104, 110 Stat. 56, *codified at* 47 U.S.C. § 151 *et seq.*

congressional intent that markets be open.” 39th *Supplemental Order*, ¶¶230, 232, quoting *Georgia/Louisiana II Order*, ¶71.³

5 AT&T and Covad request in their petition for reconsideration that the Commission withdraw its favorable recommendation to the FCC. AT&T and Covad base their petition for reconsideration on the last prong of the public interest test, and assert that the pending criminal investigation, the congressional investigation, and the agreements between Qwest and CLECs that have not been filed with state commissions are “highly relevant to the section 271 inquiry.” The question, however, is not whether the events or allegations are relevant to the section 271 inquiry generally, but whether they are relevant to the third prong, i.e., whether they would frustrate the congressional intent that the markets be open.

6 The U.S. Attorney’s Office has not sought or obtained an indictment as a result of its investigation into Qwest’s business practices. In fact, very little is known about this investigation. A criminal investigation concerning Qwest’s accounting practices, and a congressional investigation into the same matter are not relevant to the question of whether Qwest’s local markets are open to competition, or will remain open to competition. We do not condone any improper accounting practices by Qwest or any other corporation. However, we do not believe that ongoing investigations into such practices are a proper basis for delaying or suspending this state’s evaluation of Qwest’s application to the FCC. If the investigations demonstrate that Qwest has acted improperly, penalties can be imposed to address any improprieties.

7 The agreements between Qwest and CLECs that had not been filed with state commissions could be relevant to whether the congressional intent that local markets be open would be frustrated, but no party has made a sufficient showing or demonstration that the agreements have had such an effect. In our 39th *Supplemental Order*, we found that no party demonstrated that “interconnection agreements should have been filed or are discriminatory, or that this Commission should delay or cease our review of Qwest’s compliance with the requirements of section 271.” 39th *Supplemental Order*, ¶293. We stated that “This Commission will not presume that the agreements are invalid or unlawful.” *Id.* We further stated that the Commission

³ *In the Matter of Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., And BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services In Georgia and Louisiana*, Memorandum Opinion and Order, CC Docket No. 02-35, FCC 02-147 (rel. May 15, 2002) (*Georgia/Louisiana II Order*).

would establish a docket to allow Qwest to continue to file any unfiled agreements or amendments to interconnection agreements, and would discuss how the Commission would address the agreements within that docket. *Id.*, ¶295.

8 AT&T and Covad have not provided any additional evidence or argument in their petition for reconsideration that persuades us to modify our determination in the 39th *Supplemental Order*. Qwest has filed the agreements at issue with the Commission, and has agreed to continue to do so. If after considering a complaint by a third-party or upon the Commission's own motion concerning these agreements, the Commission determines that Qwest has violated federal or state law, then the Commission can and will impose appropriate penalties. This issue is also properly before the FCC. Qwest has filed a petition for declaratory ruling with the FCC concerning the applicability of the 90-day pre-approval process under section 252 concerning these agreements.

9 Finally, as we stated above, the focus of our inquiry in this proceeding is whether Qwest has taken the necessary steps to open its local exchange market to competition. We have found that Qwest has opened its market to competition. We are not persuaded, after considering the allegations of the parties, that the unfiled agreements or ongoing investigations have affected whether the local market is open to competition. If Qwest does discriminate against CLECs in the future, that treatment will come to light through the QPAP and could allow the FCC to withdraw any 271 authority granted to Qwest. That possibility should be sufficient to deter any discriminatory behavior by Qwest.

10 It must be remembered that this Commission's role in the section 271 process is to consult with the FCC to "verify the compliance of the Bell operating company with the requirements of [section 271] (c)." 47 U.S.C § 271(2)(B). We take this role very seriously, and believe that we have verified Qwest's compliance with the requirements of section 271 through the intensive workshop and hearing process of more than two years. That process involved gathering extensive evidence, allowing the parties to file extensive pleadings and briefs on all issues, and entering numerous orders, including orders on reconsideration, on the section 271 requirements. AT&T and Covad have not presented any new evidence or arguments that persuade us to modify our determination in the 39th *Supplemental Order* that Qwest has met the requirements of section 271. We deny AT&T and Covad's petition for reconsideration.

IV. ORDER

11 IT IS ORDERED That the petition for reconsideration of the 39th *Supplemental Order* filed by AT&T and Covad is denied.

DATED at Olympia, Washington and effective this 15th day of July, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARILYN SHOWALTER, Chairwoman



RICHARD HEMSTAD, Commissioner



PATRICK J. OSHIE, Commissioner

APPENDIX 5

SERVICE DATE

JUL 17 2002

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of the Investigation Into	)	DOCKET NO. UT-003022
U S WEST COMMUNICATIONS, INC.'s)	
Compliance With Section 271 of the)	
Telecommunications Act of 1996	)	DOCKET NO. UT-003040
.....)	
In the Matter of)	
U S WEST COMMUNICATIONS, INC.'s	)	41 ST SUPPLEMENTAL ORDER;
Statement of Generally Available Terms	)	ALLOWING SUBSTITUTION
Pursuant to Section 252(f) of the	)	OF REVISED EXHIBIT A IN
Telecommunications Act of 1996	)	EIGHTH REVISION TO SGAT-
.....)	

I. SYNOPSIS

- 1 *By this order, the Commission allows Qwest to replace the Exhibit A in the Eighth Revision to the SGAT filed on June 25, 2002, with the revised Exhibit A incorporating rates from its June 28, 2002, compliance tariff filing in Docket No. UT-003013. The revised Exhibit A shall become effective as of July 10, 2002.*

II. MEMORANDUM

- 2 On July 1, 2002, the Commission entered its 39th Supplemental Order; Commission Order Approving SGAT and QPAP, and Addressing Data Verification, Performance Data, OSS Testing, Change Management, and Public Interest (39th Supplemental Order). The 39th Supplemental Order is the Commission's final order in its review of the compliance of Qwest Corporation (Qwest), formerly known as U S WEST Communications, Inc. (U S WEST),¹ with the requirements of section 271 of the

¹ After this proceeding began, U S WEST merged and has become known as Qwest Corporation. For consistency and ease of reference we will use the new name Qwest in this Order.

Telecommunications Act of 1996 (the Act),² and of Qwest's Statement of Generally Available Terms (SGAT) under section 252(f)(2) of the Act. In the 39th *Supplemental Order*, the Commission found that Qwest has satisfied all of the requirements under section 271 of the Telecommunications Act. In paragraph 327 of the order, the Commission also noted that Qwest filed new tariff pages on June 10, 2002, and that the Commission took no action on Qwest's tariff filing at the Commission's June 26, 2002, open public meeting allowing the new tariff pages to become effective on July 10, 2002.

3 On July 2, 2002, Qwest filed a revised Exhibit A to the Eighth Revision of the SGAT, explaining that the revised exhibit brings the rates in Exhibit A into conformance with the compliance tariffs Qwest filed on June 28, 2002, in Docket No. UT-003013. Qwest requests that the revised Exhibit A be substituted for the Exhibit A filed with the Eighth Revision of the SGAT on June 25, 2002. Qwest also requests that the rates in Exhibit A become effective as of July 10, 2002.

4 In the 39th *Supplemental Order*, the Commission allowed the Eighth Revision to the SGAT, including Exhibit A, to become effective as of July 10, 2002. 39th *Supplemental Order*, ¶22. At the Commission's June 26, 2002, open public meeting, the Commission allowed new tariff pages filed by Qwest to become effective as of July 10, 2002. Those new tariff pages reduced existing rates for 2-wire and 4-wire deaveraged unbundled loops and added new rates for DS1 capable unbundled loops, DS3 capable unbundled loops, DS1 capable feeder sub loops, and DS0 subloops. The revised Exhibit A that Qwest filed on July 2, 2002, incorporates the rates from the new tariff pages into the Exhibit A filed with the Eighth Revised SGAT on June 25, 2002.

5 We grant Qwest's request to replace the revised Exhibit A for the Exhibit A included in the Eighth Revision to the SGAT, and to allow the revised Exhibit A to become effective as of July 10, 2002.

² Pub. L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C. § 151 *et seq.*

III. ORDER

6

IT IS ORDERED That the revised Exhibit A filed on July 2, 2002, incorporating rates from Qwest's June 28, 2002, compliance tariff filing in Docket No. UT-003013 shall replace the Exhibit A in the Eighth Revision to the SGAT that Qwest filed on June 25, 2002. The revised Exhibit A shall become effective as of July 10, 2002.

DATED at Olympia, Washington and effective this 17th day of July, 2002.


WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARILYN SHOWALTER, Chairwoman



RICHARD HEMSTAD, Commissioner



PATRICK J. OSHIE, Commissioner

JUL 26 2002

APPENDIX 6

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of the Investigation Into)	
	)	DOCKET NO. UT-003022
U S WEST COMMUNICATIONS, INC.'s)	
)	
Compliance With Section 271 of the)	
Telecommunications Act of 1996	)	DOCKET NO. UT-003040
.....)	
)	
In the Matter of)	
	)	42 ND SUPPLEMENTAL ORDER;
U S WEST COMMUNICATIONS, INC.'s	)	DENYING AT&T'S REQUEST
	)	TO REJECT REVISED EXHIBIT
Statement of Generally Available Terms	)	A, AND ORDERING QWEST
Pursuant to Section 252(f) of the	)	TO CONTINUE FILING
Telecommunications Act of 1996	)	STATUS REPORTS
)	
.....)	

I. SYNOPSIS

1 *By this order, the Commission rejects AT&T's request to deny Qwest's request to allow revised Exhibit A to the SGAT to become effective as of July 10, 2002. The Commission also directs Qwest to continue filing reports every 90 days on the status of its efforts to automate the subloop unbundling process.*

II. MEMORANDUM**A. Exhibit A to the SGAT**

2 On July 2, 2002, Qwest filed with the Commission a revised Exhibit A to the Eighth Revision of the SGAT. Exhibit A identifies the recurring and nonrecurring rates and charges for UNEs and other facilities and services included in the SGAT. Qwest explained that the revised exhibit brings the rates in Exhibit A into conformance with the compliance tariffs that Qwest filed on June 28, 2002, in Docket No. UT-003013. Qwest requested that the revised Exhibit A be substituted for the Exhibit A filed with

the Eighth Revision of the SGAT on June 25, 2002, and that the rates in Exhibit A become effective as of July 10, 2002.

3 After carefully reviewing Qwest's revised Exhibit A, the Commission, on July 17, 2002, entered its *41st Supplemental Order* allowing substitution of revised Exhibit A and allowing the rates to become effective on July 10, 2002.

4 Also on July 17, 2002, AT&T filed a letter addressed to the Commissioners, asking the Commission to deny Qwest's request to allow the revised Exhibit A to become effective as of July 10, 2002. AT&T asserts that Qwest's revised Exhibit A includes new rate elements that have not been approved in the Commission's costing and pricing proceedings, Dockets No. UT-960369, 960370, 960371, and Docket No. UT-003013. AT&T identifies particular rate elements in Qwest's revised Exhibit A as "new, unapproved rate elements" that "may increase the cost of providing local service in Washington." AT&T also objects to a letter that Qwest has sent to companies with which Qwest has interconnection agreements. That letter states that rates approved by the Commission will be incorporated into the interconnection agreements.

5 On July 22, 2002, Qwest and WorldCom filed responses to AT&T's letter. WorldCom supports the concerns AT&T raised in its letter. Qwest asserts that the rate elements in revised Exhibit A are not new or additional, but have been included in several previous versions of Exhibit A filed in SGATs that became effective 60 days after filing. Qwest asserts that AT&T had opportunities to object to the rates during this proceeding, and did not. Qwest also objects to the letter as an untimely petition for reconsideration of the Commission's *39th Supplemental Order*. That order allowed Qwest's June 25, 2002, SGAT, including Exhibit A, to become effective as of July 10, 2002. Finally, Qwest asserts that its letter to companies with interconnection agreements does not require the companies to include all of the rates included in revised Exhibit A in their interconnection agreements, but only the rates recently approved by the Commission in Advice No. 3319T, Docket No. UT-020724.

6 **Discussion and Decision.** AT&T's concerns are not sufficient to cause us to modify our decision in the *41st Supplemental Order*. Prior to entering the *41st Supplemental Order*, the Commission carefully reviewed the revised Exhibit A, and compared it to versions of Exhibit A included in SGATs previously submitted by Qwest in this proceeding. We found, as Qwest states in its response, that the rates in prior versions

of Exhibit A were allowed to go into effect, and that the only changes in the revised Exhibit A were the rates included in Qwest's June 28, 2002, compliance filing. AT&T had several opportunities during this proceeding to discuss its concerns with rates included in Exhibit A, but has not done so.

7 Many of the rates AT&T objects to are rates under review in our costing and pricing proceedings. Allowing the rates in revised Exhibit A to become effective is not a substitute for our review in the costing and pricing proceedings. Should we require changes to the rates in Qwest's compliance filing, or if we approve rates in our costing and pricing proceedings that differ from rates included in revised Exhibit A, Qwest must modify Exhibit A to reflect these changes.

8 Finally, this proceeding is not the proper forum for addressing AT&T's concern about Qwest's letter to companies with interconnection agreements. Should AT&T continue to have concerns about Qwest's actions in incorporating rates into its interconnection agreement, AT&T may file a complaint with this Commission or seek alternative remedies.

B. Status Report of Automation of Subloop Ordering Process

9 In paragraph 263 of the 28th *Supplemental Order*, we directed Qwest to file a status report with the Commission every three months after its initial status report addressing Qwest's efforts to automate the LSR process for ordering subloop elements. Qwest filed its first status report on April 11, 2002. During hearings in April 2002, AT&T demonstrated certain problems with Qwest's ordering process. In paragraph 88 of our 34th *Supplemental Order*, we encouraged the parties to continue to discuss the matter, and directed Qwest to file another status report.

10 On July 15, 2002, Qwest filed with the Commission its Second Status Report Re: Automation of the Subloop Ordering Process. In that filing, Qwest asserts that its processes are fully automated and states that Qwest does not intend to file any further status reports.

11 On July 23, 2002, AT&T filed its Response to Qwest's Second Status Report, stating that Qwest did not consult with AT&T prior to filing the status report, and that the parties have not yet completed their discussions on the issue. AT&T continues to

identify problems with Qwest's automated ordering processes for subloops, and asserts that the process is not yet fully automated.

12 **Discussion and Decision.** AT&T raises valid concerns about Qwest's proposed
subloop ordering process. Given that problems with Qwest's process still appear to
exist, we reiterate our request that Qwest and AT&T work together to resolve the
issue. Qwest must continue to file with the Commission reports on the status of its
automated process for ordering subloop elements every 90 days until the problems are
resolved. Qwest must consult with AT&T prior to filing its next status report. This
does not preclude either party from bringing the matter back to the Commission if no
further improvements can be made to the automated subloop ordering process, or if
insufficient progress is being made to automate the ordering process.

III. ORDER

13 IT IS ORDERED That:

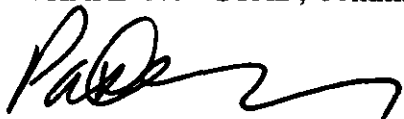
- 14 (1) AT&T's request to deny Qwest's request that revised Exhibit A to the SGAT
become effective as of July 10, 2002, is denied.
- 15 (2) Qwest must continue filing reports every 90 days on the status of the
automation of the subloop ordering process until the process is fully
automated.

DATED at Olympia, Washington and effective this 26th day of July, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


MARILYN SHOWALTER, Chairwoman


RICHARD HEMSTAD, Commissioner


PATRICK J. OSHIE, Commissioner

CERTIFICATE OF SERVICE
WC Docket No. 01-189

I hereby certify that I have caused a true and accurate copy of the foregoing Comments of the Washington Utilities and Transportation Commission, and attachments on the persons listed below by first class mail, overnight mail, or electronic mail on July 26, 2002.

DATED this 26nd day of July, 2002.


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